

REMARKS

Favorable reconsideration of this application, in light of the above amendments and the following remarks, is respectfully requested.

Claims 1-11 are pending in this application. Claim 1 is the sole independent claim.

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O., the references cited in the Information Disclosure Statement filed January 13, 2006 have been considered and that the drawings filed January 13, 2006 have been accepted.

REJECTIONS UNDER 35 U.S.C. § 112

Claims 4-5, 6 and 8-11 are rejected under 35 U.S.C. § 112. Applicants respectfully traverse this rejection for the reasons detailed below.

As shown in the preceding section, Applicants have amended claims 4-5, 6 and 8-11 to provide sufficient antecedent basis. Reconsideration and allowance of each of claims 4-5, 6 and 8-11 is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by WO 03/001807 to Mas Ribes. Applicants respectfully traverse this rejection for the reasons detailed below.

Initially, Applicants note that the reference is not a valid prior art under §102(b), but may qualify as prior art under § 102 (a).

It is alleged in the Office Action, that Mas Ribes anticipates the limitations of claim 1 since Mas Ribes discloses "securely transmitting this network key to one or several user security modules attached to the devices, said **devices being at least**

the diffusion and re-encrypting device and the restitution device,” as required by claim 1. However, Mas Ribes teaches mere transmission of the content protector to an intermediate receiver. This intermediate receiver is not either “at least the diffusion and re-encrypting device and the restitution device,” as required by claim 1. (Emphasis Added)

In Mas Ribes, the local network is pre-existing to the transmission of the digital content. The equipment of Mas Ribes possesses a public key (page 11, lines 25-27) for receiving the encrypted key from the central management. For these reasons, Mas Ribes cannot meet “**re-encrypting of the data** by said diffusion and re-encrypting device **with a local key, said local key being linked with the network key,**” as required by claim 1. (Emphasis Added)

REJECTIONS UNDER 35 U.S.C. § 103

Claims 2-3, 5 and 10-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mas Ribes in view of WO 01/67705 to Tararoukhine et al. Applicants respectfully traverse this rejection for the reasons detailed below.

Applicant respectfully submits that dependent claims 2-3, 5 and 10-11 are patentable over Mas Ribes as discussed above, as Mas Ribes fails to disclose or fairly suggest all of the features as recited in claim 1, the independent claim from which the rejected claims depend. Further, Tararoukhine would fail to overcome the noted deficiencies of Mas Ribes (even if combinable, which is not admitted). Therefore, the combination of Mas Ribes and Tararoukhine fails to render the subject matter of claims 2-3, 5 and 10-11 obvious to one of ordinary skill in the art. Applicant respectfully requests that the rejection of claims 2-3, 5 and 10-11 under 35 U.S.C. §103 be withdrawn.

Claims 4 and 6-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mas Ribes in view of WO 00/57636 to David Marsh ("Marsh"). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicant respectfully submits that dependent claims 4 and 6-9 are patentable over Mas Ribes as discussed above, as Mas Ribes fails to disclose or fairly suggest all of the features as recited in claim 1, the independent claim from which the rejected claims depend. Further, Marsh would fail to overcome the noted deficiencies of Mas Ribes (even if combinable, which is not admitted). Therefore, the combination of Mas Ribes and Marsh fails to render the subject matter of claims 4 and 6-9 obvious to one of ordinary skill in the art. Applicant respectfully requests that the rejection of claims 4 and 6-9 under 35 U.S.C. §103 be withdrawn.

CONCLUSION

Accordingly, in view of the above remarks, reconsideration of the objections and rejections, and allowance of each of the pending claims in connection with the present application is earnestly solicited.

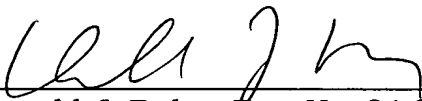
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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